



General Assembly

## ***Substitute Bill No. 182***

***February Session, 2014***



### ***AN ACT CONFORMING PUBLIC HIGHER EDUCATION PURCHASING STATUTES WITH DEPARTMENT OF ADMINISTRATIVE SERVICES PURCHASING STATUTES AND PRACTICE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10a-151b of the 2014 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2014*):

4 (a) Notwithstanding the provisions of chapter 58, and sections 4-98,  
5 4a-4, 4a-5, 4a-6, 4d-2, and 4d-5 to the contrary, a chief executive officer  
6 may purchase equipment, supplies and contractual services, execute  
7 personal service agreements, as defined in section 4-212, or lease  
8 personal property compatible, where relevant, with standards for  
9 computer architecture established by the Department of  
10 Administrative Services, without the approval of the Comptroller, the  
11 Secretary of the Office of Policy and Management or the Commissioner  
12 of Administrative Services, provided the chief executive officer  
13 consults with the commissioner and such purchases are made in  
14 accordance with this section and in accordance with policies which are  
15 (1) adopted by the board of trustees of the constituent unit after  
16 reasonable opportunity for interested persons to present their views,  
17 and (2) subject to section 4-175. For purposes of this section, "chief  
18 executive officer" means the chief executive officer of a constituent unit

19 of the state system of higher education or the chief executive officer of  
20 an institution within the jurisdiction of such a constituent unit. The  
21 provisions of sections 4-212 to 4-219, inclusive, and section 9 of public  
22 act 93-336 shall not apply to personal service agreements executed  
23 pursuant to this section.

24 (b) Purchases made pursuant to this section shall be based, when  
25 possible, on competitive bids or competitive negotiation. Such chief  
26 executive officer shall solicit competitive bids or proposals by sending  
27 notice to prospective suppliers and by posting notice on a public  
28 bulletin board in such officer's office. Such notice shall contain a notice  
29 of state contract requirements pursuant to section 4a-60. Each bid or  
30 proposal shall be kept sealed until opened publicly at the time stated  
31 in the notice soliciting such bid or proposal. Sealed bids or proposals  
32 shall include bids or proposals sealed within an envelope or  
33 maintained within a safe and secure electronic environment until such  
34 time as they are publicly opened. If the amount of the expenditure is  
35 estimated to exceed fifty thousand dollars, not later than five calendar  
36 days before the final date of submitting competitive bids or proposals,  
37 competitive bids or proposals shall be solicited by public notice posted  
38 on the Internet. All purchases fifty thousand dollars or less in amount  
39 shall be made in the open market, but shall, when possible, be based  
40 on at least three competitive quotations. If desired by the constituent  
41 unit, competitive quotations may include quotations submitted to the  
42 constituent unit within a safe and secure electronic environment. The  
43 constituent unit shall not refuse to consider a bid, proposal or  
44 quotation because it is not submitted electronically.

45 (c) Notwithstanding the provisions of subsection (b) of this section,  
46 [to the contrary,] competitive bidding or competitive negotiation is not  
47 required in the case of (1) minor purchases of ten thousand dollars or  
48 less in amount, (2) purchases made pursuant to subsection (k) of this  
49 section, (3) emergency purchases, or (4) agricultural purchases of dairy  
50 products, poultry, farm-raised seafood, beef, pork, lamb, eggs, fruits,  
51 vegetables or other farm products in an amount of fifty thousand

52 dollars or less. Whenever an emergency exists by reason of  
53 extraordinary conditions or contingencies that could not reasonably be  
54 foreseen and guarded against, or because of unusual trade or market  
55 conditions, the chief executive officer may, if it is for the best interest of  
56 the state, make purchases without competitive bidding. A statement of  
57 all emergency purchases made under the provisions of this subsection  
58 shall be set forth in the annual report of the chief executive officer. The  
59 chief executive officer, when making an agricultural purchase in  
60 accordance with subdivision (4) of this subsection, shall give  
61 preference to dairy products, poultry, farm-raised seafood, beef, pork,  
62 lamb, eggs, fruits, vegetables or other farm products grown or  
63 produced in this state when such products, poultry, farm-raised  
64 seafood, beef, pork, lamb, eggs, fruits or vegetables are comparable in  
65 cost to other dairy products, poultry, eggs, fruits or vegetables being  
66 considered for purchase by the chief executive officer that have not  
67 been grown or produced in this state.

68 (d) Nothing in this section shall exempt a constituent unit or chief  
69 executive officer from complying with the provisions of sections 4a-60  
70 and 4a-61.

71 (e) No person, firm or corporation disqualified pursuant to section  
72 4a-52a, or by the Commissioner of Administrative Services pursuant to  
73 section 4a-63 from bidding on contracts with the Department of  
74 Administrative Services may bid pursuant to this section.

75 (f) A chief executive officer who enters into a contract under this  
76 section [which] that fails to meet the requirements of this section shall  
77 be personally liable for the costs of such contract and such contract  
78 shall be void and of no effect. Any amount paid under such contract  
79 may be recovered from such chief executive officer by the state in a  
80 civil action.

81 (g) Nothing in this section shall be construed to prevent a chief  
82 executive officer from participating in a contract for the purchase of  
83 equipment, supplies or services with the Department of

84 Administrative Services pursuant to chapter 58.

85 (h) Nothing in this section shall be construed to prevent a  
86 constituent unit from entering into a corporate sponsorship agreement  
87 which contains provisions for the barter of goods and services,  
88 provided such agreement is entered into in accordance with policies  
89 and procedures governing such agreements adopted pursuant to  
90 subsection (a) of this section.

91 (i) For the period from July 1, 2002, to June 30, 2006, inclusive, any  
92 funds or revenues collected from ticket sales by the contractor hired by  
93 Western Connecticut State University to operate and manage its  
94 O'Neill Center, shall not be deemed to be state funds for the purposes  
95 of sections 4-32 and 4-33 and may be deposited in the contractor's  
96 account for a period of time not to exceed forty days, during which  
97 time the contractor shall pay all expenses related to the event for which  
98 the tickets were sold and make an accounting of the portion of the  
99 funds to be remitted to the university, and then remit such funds to the  
100 university pursuant to the terms of the contract. Upon receipt of such  
101 funds, the university shall deposit such funds in accordance with the  
102 provisions of sections 4-32 and 4-33.

103 (j) Notwithstanding the provisions of subsections (a) and (b) of this  
104 section, a chief executive officer may not extend a contract with a value  
105 of fifty thousand dollars or more per year to perform janitorial,  
106 building maintenance, security or food and beverage services unless:  
107 (1) Such contract is in effect on May 1, 2005; (2) such extension is for a  
108 period of one year from the date such contract would otherwise expire;  
109 and (3) any such extension includes any applicable increase in the  
110 standard wage and the payroll burden to administer the standard  
111 wage, as established by the Labor Department.

112 (k) The chief executive officer of a constituent unit may purchase, or  
113 make expenditures related to the development of, any technology,  
114 product or process for the purpose of testing such technology, product  
115 or process in the operation of the constituent unit on a trial basis, if (1)

116 such technology, product or process (A) is part of or related to a  
117 research program at the constituent unit, (B) has the potential, as  
118 determined by the chief executive officer, to provide economic benefit  
119 to the state, (C) will not adversely affect the safety of any individual,  
120 and (D) has potential for commercialization, and (2) the chief executive  
121 officer has received a recommendation to test such technology,  
122 product or process from a constituent unit committee whose  
123 membership includes the chief purchasing official, the chief academic  
124 officer and the chief economic development officer for the constituent  
125 unit, or their designees.

126 (l) The chief executive officer of a constituent unit that purchases or  
127 makes expenditures related to the development of any technology,  
128 product or process for the purpose of testing such technology, product  
129 or process in the operation of the constituent unit on a trial basis,  
130 pursuant to subsection (k) of this section, shall, not later than January  
131 first of the year following such purchase or expenditure, submit a  
132 report, on the number of times such constituent unit tested such  
133 technology, product or process during the last twelve months, or if  
134 such tests are not complete, will test such technology, product or  
135 process in the next twelve months, to the joint standing committees of  
136 the General Assembly having cognizance of matters relating to higher  
137 education and commerce, in accordance with section 11-4a.

138 (m) The chief executive officer of a constituent unit may join with a  
139 federal agency, another state government, political subdivision of this  
140 state or private or nonprofit organization in a cooperative purchasing  
141 plan when the best interests of the state would be served by such plan.

142 (n) The state, through the chief executive officer of a constituent  
143 unit, may purchase equipment, supplies, materials and services from a  
144 person who has a contract to sell such property or services to another  
145 state government, political subdivision of this state, nonprofit  
146 organization or private or public purchasing consortium, in  
147 accordance with the terms and conditions of such contract.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2014</i>	10a-151b
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**HED**      *Joint Favorable Subst.*

**GAE**      *Joint Favorable*